

~~SECRET~~

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH : Deputy Director (Support)

SUBJECT : Impact of Proposed Legislative Changes on
Agency Communications

1. This memorandum is for information only. No action is required.

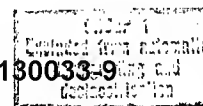
2. Attached is a paper entitled "Impact of Proposed Legislative Changes on Agency Communications." This paper was prepared at the request of the Deputy Director (Support).


Director of Communications

25X1A

Dist: O & 1 - Addr
2 - DD/S
1 - Exec Reg
1 - OC - Reciprocity file
1 - chrono

~~SECRET~~



SUBJECT: Impact of Proposed Legislative Changes on Agency Communications

1. Existing legislation, The Communications Act of 1934 as amended, does not permit foreign owned or controlled radio stations to be licensed for operation in the United States. Proposed legislation now before Congress will amend portions of the Act and permit the President to authorize a foreign government radio operating rights within the U. S. National interests of the U. S. and the provision of reciprocal radio rights to the U. S. will be governing factors in granting this authority to a foreign government. Progress on this legislation indicates that it will pass into law this year. It has already been passed by the House and the Senate. Attachment "A" is a copy of the proposed change.

2. Over a period of many years this Agency has sought to assure itself of rapid, reliable and secure communications between intelligence collection points and Headquarters. To accomplish this objective an active and/or standby radio network has been established to service DD/P overseas representatives.

25X1A
25X1A

25X1A

Approved For Release 2002/08/21 : CIA-RDP84-00499R000800130033-9

Approved For Release 2002/08/21 : CIA-RDP84-00499R000800130033-9

PROPOSED NEW PROVISIONS, COMMUNICATIONS ACT OF 1934

(Sec. 305 - Government-Owned Stations)

Sec. 305. (d) The provisions of section 201 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act.

SECRET

Attachment "A"

25X1A

Approved For Release 2002/08/21 : CIA-RDP84-00499R000800130033-9

Approved For Release 2002/08/21 : CIA-RDP84-00499R000800130033-9

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Reserving the right to object, Mr. Speaker, is a copy of this bill available? I have asked for copies. (All bills coming up today.)

Mr. McMILLAN. Mr. Speaker, this bill passed the House some time ago. The other body amended this proposed legislation and returned it to the House. I imagine copies of the bill are available.

Mr. GROSS. There is no report nor is there a copy of the bill at the desk.

Mr. McMILLAN. I have just stated the bill passed the House some time ago and was amended by the Senate, the report and bill should be available.

Mr. GROSS. I have no doubt it passed the House some time ago, I will say to my friend from South Carolina. It, obviously, had to. But I have nothing here to go on. Will the gentleman please explain the bill and the amendments?

Mr. McMILLAN. The Senate added an amendment to the bill which has to do with gifts to minors in the District of Columbia. We are amending the Senate amendment so as to make certain that the person who is making the gift can set the fee for the person who administers his estate.

Mr. GROSS. You say this bill was amended?

Mr. McMILLAN. It was amended in the Senate and was returned. My committee proposes to amend the Senate amendment by inserting language to protect the donor.

Mr. GROSS. Are all the amendments in this bill, as it is presently before us, germane to the subject matter of the bill?

Mr. McMILLAN. Absolutely, yes. If the gentleman from Iowa would care to see a copy of the bill, he may have my copy.

Mr. GROSS. I would not be able to do very much with it in this short space of time.

The SPEAKER pro tempore [Mr. WALTER]. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the first Senate amendment.

The Clerk read as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"Sec. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to:

"(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or

gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McMILLAN moves that the House concur in Senate amendment 1 with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment in subsection (b) and subparagraphs (1), (2), and (3) thereof, of section 5, insert the following:

"(b) Compensation for the guardian or custodian shall be according to:

"(1) Any direction of the donor when the gift is made, provided that it is not in excess of any statutory limitation of the District of Columbia for guardians or custodians;

"(2) Any statute of the District of Columbia applicable to custodians or guardians;

"(3) Any order of the court."

Mr. McMILLAN. Mr. Speaker, the purpose of my amendment to the Senate amendment is to assure and provide that any donor of a gift may fix the compensation for the guardian or custodian—which the House bill originally provided and which the Senate struck out—but with the proviso that such compensation will not be in excess of that allowed by District of Columbia law for guardians or custodians.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. McMILLAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as amended."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McMILLAN moves that the House concur in the Senate amendment No. 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

AMENDING SECTION 305, COMMUNICATIONS ACT OF 1934

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 779, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended. After general debate, which shall be confined to the bill, and shall continue not to exceed

one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 779 makes in order the consideration of the bill H.R. 11732 to amend section 305 of the Communications Act of 1934, as amended. It provides for 1 hour of debate and is an open rule.

The purpose of the legislation, Mr. Speaker, is to amend the Communications Act of 1934 to authorize the President to license foreign governments to operate low-power point-to-point radio stations, as distinguished from broadcasting stations, in the District of Columbia, for transmission of messages to points outside the United States. This legislation is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in foreign countries. At present, the Communications Act prohibits the granting of such authority to noncitizens.

Mr. Speaker, it is felt that with this permission which would be on a very limited basis and very tightly controlled, that the reciprocity that the United States could get by being permitted to establish radio stations in foreign countries would be a substantial gain. Therefore, Mr. Speaker, I urge the adoption of House Resolution 779.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 779 is an open rule providing for the consideration of H.R. 11732, which is a measure known as the Amendment to the Communications Act of 1934. It will permit the President under reciprocal agreement with other countries to permit the operation of a radio station at the Embassy of a foreign country in Washington, D.C., providing we are allowed to have a radio station at our Embassy in the country with which the agreement is worked out.

I was opposed to the bill as originally reported but in the meantime it has been possible to work out an amendment which the chairman told me he would accept and which I believe would help the bill and take care at least in part of

1962

House the passing of Mrs. Effegene (Locke) Wingo, a former Member of the House of Representatives, who represented the district which I now have the privilege and honor of representing.

Mrs. Wingo was born in Lockesburg, Sevier County, on April 13, 1883. She attended public and private schools and Union Female College, Oxford, Miss. She was graduated from Maddox Seminary, Little Rock, Ark., in 1901, and moved to Texarkana, Ark., in 1895, and to DeQueen, Ark., in 1897. She was elected as a Democrat on November 4, 1930, to the 71st Congress. Her husband before her had served in the House, representing this district for several terms. She was elected to fill the vacancy caused by the untimely death of her husband, Otis Theodore Wingo. Some of the older Members who were here at that time, I am sure, remember Otis Wingo and also his lovely wife, Mrs. Wingo.

On the same day that she was elected to succeed her husband in the House, she was elected to the 72d Congress and served from November 4, 1930, to March 3, 1933. She was not a candidate for renomination in 1932.

Mrs. Wingo wrote me a letter about a year ago in which she inquired about the consideration which the House and the Congress had given to a program that she, herself, had sponsored when she was in the Congress. She was the cofounder in 1934 of the National Institute of Public Affairs here in Washington, D.C., engaged in educational and research work.

Mrs. Wingo passed away September 20, in Brent Memorial Hospital, Burlington, Ontario, where she was living with her son at the time, Otis T. Wingo, and where he now lives.

Funeral services will be held this afternoon at 3 o'clock at St. Albans Church, interment in Rock Creek Cemetery.

Mrs. Wingo is survived by a daughter, Mrs. L. L. Sawyer, who lives here in Washington, D.C., and by her son, Otis T. Wingo, Jr. I know I express the sentiments of every Member of this House when we extend to them and all the family our deepest sympathy in the loss of their mother.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. GRANT. Mr. Speaker, I call up the conference report on the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 18, 1962.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRANT. I yield to the gentleman from Iowa.

Mr. GROSS. Are all of the amendments put into the bill in conference germane to the general subject matter of the bill?

Mr. GRANT. They are absolutely germane to the bill.

Mr. GROSS. I thank the gentleman. (Mr. GRANT asked and was given permission to extend his remarks at this point in the Record.)

Mr. GRANT. Mr. Speaker, the bill before us is a very important piece of legislation. It contains numerous improvements to the Perishable Agricultural Commodities Act and a provision for the increase in fees under that act which will permit it to continue to be self-supporting. The Perishable Agricultural Commodities Act is one of the oldest and most successful regulatory programs operated by the Department of Agriculture. Its basic purpose is to assure producers of fresh fruits and vegetables that they will receive fair treatment and fair payment when their commodities are shipped to buyers in other States, and to assure those buyers and all of the handlers along the route that they will receive the kind of commodities they are paying for and that they, too, will receive equitable treatment.

The act has been entirely self-supporting and has paid its way by collection of annual fees, presently set at the maximum of \$25 permitted under the act, collected from those who are licensed under the act. The Department has reached the point where it is no longer able to operate its program within this \$1.25 limitation and one of the purposes of this bill is to increase the amount of the license fee which may be charged in order to continue to have this program entirely self-sustaining. The bill permits an ultimate increase in the license fees to \$50 per year, if this should become necessary. No such increase is needed or contemplated at the present time, however, and the Department has stated, and the committee of conference so understands, that the immediate increase in license fees will be to a figure not in excess of \$36. If, in later years, an additional increase is found to be necessary, this is to be announced well in advance and subject to discussion by the trade and by the appropriate committees of Congress before it is placed into effect.

In the form in which this bill was introduced in both the House and the Senate, Mr. Speaker, it contained no element of controversy.

During the hearings, however, amendments to the bill were suggested by representatives of food retailers and of frozen-food brokers, both of whom are licensed under the act—the retailers only if they do an annual business in fresh and frozen fruits and vegetables exceeding approximately \$30,000 worth per year. During the hearings, representatives of both these groups asked for further exemptions for their particular group from the operations of the act.

The Senate responded to this request

licensing of retailers and frozen-food brokers exactly where they were in the act but providing that the increase in license fee should not apply to these two groups.

The House went further in acceding to the request of these groups and provided that all retailers doing an annual business in fresh and frozen fruits and vegetables of less than \$100,000 per year, and all frozen food brokers representing vendors should be eliminated from registration under the act. These provisions were the only items of the bill in controversy between the House and the Senate. While I was very much in favor of retaining the House version, this was found impossible.

The conferees have reached what I believe to be an equitable compromise on this matter as set out in the conference report. The conference report will provide that this act will not cover any retailer who does an annual business of less than \$90,000 per year in fresh and frozen fruits and vegetables, and will apply the same minimum figure, \$90,000, to brokers of frozen fruits and vegetables. No broker of frozen fruits and vegetables will be required to register under the act if he does a business of less than \$90,000 per year in these commodities.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

GIFTS TO MINORS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11013) to amend the act concerning gifts to minors in the District of Columbia, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"Sec. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to: "(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as

my objections, at least to the point where if my amendment is adopted I can then support the legislation. I do feel, however, Mr. Speaker, that we should make a record here today, so that the President, whether it be President Kennedy or some future President, and the State Department, the Secretary of State and others, may know our intent and views in the matter. I for one feel this is a very dangerous precedent to allow a foreign country to establish a radio station in this country. It must be used with the utmost discretion. I would hate to have the Soviet Embassy on 16th Street have a legitimate radio station which could operate between here and Moscow.

Mr. Speaker, I am making my statement based on the fact that I have been in the past with the FBI. I supervised all the national defense activities in the Los Angeles office of the FBI prior to and during the period of the last war. That had to do with espionage, sabotage, un-American activities, communism, internal security measures, plant protection and others.

In that capacity, where I was in a supervisory capacity, I know of the important cases throughout the United States because we, of course, exchanged reports.

I can assure you that activities involving espionage against the United States were operated out of the German Embassy and Consuls continuously prior to the war, and it was an extremely difficult problem.

Japanese boats, for instance, would bring spies to the Pacific Coast almost every week. On every ship that came over here there were a certain number of these people who immediately would report to the consul, leave their papers here, and go on. Of course the Director of the Bureau and the agents were keenly interested in not having any foreign-inspired sabotage such as took place during the First World War when the Black Tom explosion occurred. It involved some \$63 million. I am pleased to state at this time we did not have any foreign inspired sabotage during World War II.

I do not take complete credit for this on behalf of the Bureau. We had tremendous help from Military Intelligence, G-2, Naval Intelligence, all of the local sheriffs' offices, and other police officers throughout the United States, which made it possible for us to keep sabotage to a minimum. Most of the espionage agents were identified and apprehended.

Furthermore, Mr. Speaker, I want the Record to show I am not in any way attempting to speak for Mr. Hoover, Director of the FBI. I am speaking only for myself. It has always been the policy of the Director to not comment on matters which have to do with policies outside the operation of the FBI.

Mr. Speaker, I would like to state for the record the specific objections which I have to the original bill, so that they will be known as a part of the permanent Record.

First. It is extremely difficult to monitor burst types of transmission. While the United States might well monitor the

broadcast over a period of time during which the broadcast would not pose a security threat to our Nation, the fact remains the Soviet, particularly, could suddenly change frequency, get their message across, and then go off the air.

Second. Establishment of stations in the United States by the Soviet and their bloc nations obviously puts the Soviet in a position to pose questions to their installations here and get immediate answers. The proposed setup would give the Soviet an almost immediate means of communication and thus puts them in a position to relay information and take action thereon more rapidly.

Third. It is well known that Soviet espionage operations are tightly controlled from Moscow. The new system of radio contact would permit them instantaneous control rather than waiting for diplomatic pouch replies, a relatively slow method of sending and receiving messages. The new system would, therefore, obtain for the Soviet immediate control and constant control.

Fourth. Enactment of this bill would make possible establishment by foreign governments—potentially hostile to the United States—of instantaneous communications facilities which might be used to the great detriment of security of this country. Such facilities might even be used to indicate the exact moment an attack on the United States would be most successful.

Fifth. Once radio transmitters are installed by foreign governments, there is no way to effectively assure that the foreign government radio operations are within its authorization. Even the best monitoring installations and equipment could not assure that the foreign government would not take advantage of the authorized installations to sneak use of higher powered equipment, high speed radio transmissions, or different radio frequencies in handling communications adverse to the interests of the United States.

It would appear that the United States could not allow the authorized operation without making some attempts to police it. This would require a considerable expenditure in manpower and facilities, even though there could be no assurance that the policing operation would be completely successful.

Sixth. The rapidly expanding use of radio equipment within the United States and throughout the world has already created a problem in connection with the assignment of radio communications frequencies. Allowing foreign governments to establish radio transmitters within this country would further increase this problem and might result in action detrimental to the interests of U.S. commercial radio companies.

Seventh. Foreign government embassies are usually located in residential neighborhoods. Operation of radio transmitters in such neighborhoods might cause considerable interference to the television and radio sets of citizens in the area. In such cases, the diplomatic immunity of the establishment

would leave no recourse for the citizen and voter.

Eighth. According to Acting Secretary of State Ball's testimony before the Senate Foreign Relations Committee on June 21, 1962, in support of S. 3252—same as H.R. 11732—the reason for this bill is to provide the State Department with a rapid means of communication with its "newer" posts throughout the world—in Africa, Asia, and Latin America." He said, "Problem before us is not communication with such major capitals as London and Paris or Bonn."

Mr. Speaker, as to the history of this bill, 2 weeks ago we had a rather hurried meeting of the Committee on Rules in order to try to get out some non-controversial bills in order to have some fillers last week. We considered some eight bills and seven of them were reported. Five passed, I believe, on an oral vote. I think only one of them required a record vote. This was the other bill, with the exception of the freight forwarders' bill, which was continued over, and it was tabled yesterday. We did not have too much time to read and study the bills; the meeting being called rather rapidly in order to try and cooperate. I did not have an opportunity to thoroughly read and study the report on the bill until after it was sent out under the 1-hour rule. I then spoke with our distinguished Speaker, the gentleman from Massachusetts [Mr. McCORMACK], and told the Speaker my problem. He told the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], not to set this bill up for consideration until I had had an opportunity to study and make appropriate inquiries.

Mr. Speaker, I would like to say to you and our distinguished majority leader that I appreciate the cooperation which has been extended to me not only on this bill but on each and every other request I have made of both of you during the time you were majority leader, as well as Speaker of the House.

Mr. Speaker, I discussed this matter with four men in the Department of State. I learned that the representatives of the Department of State do not share the concern which I have in regard to this measure, as much as I have indicated on my part. They indicated to me they did not think it would be as I feel it could be. In any event, after several discussions, certain language was worked out as an amendment, which the State Department agreed to accept. The language would be to this effect: It provides that the President may authorize a foreign government under such terms and conditions as he may prescribe to construct and operate at the seat of the Government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States.

Mr. Speaker, this is reciprocal. It has to be worked out so that we may have such transmission station located in the foreign countries, and they may have one here.

Mr. Speaker, the language which I am suggesting will change the purport of the bill in this way where in section (d) it reads: "The President may," I intend to offer an amendment to this effect: "provided he determines it to be consistent with and in the interest of national security."

Maybe you will say to me that this language is like being against sin, or something of that kind. But at least this calls to the attention of the President of the United States. There will have to be some definite finding, in my opinion, that it is consistent with and in the interest of our national security. I hope that it will be determined on a top level, by the President, himself, and not by some career individual in the State Department. That due and deep consideration will be given so that the matter is handled in a way that the national security of the United States of America is not in any way injured in extending the privileges under this particular legislation.

If this is agreed upon, I told the State Department I would support the bill and I told the very able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS]. He agreed to accept the amendment and in turn, in view of the fact that both of us had engagements Tuesday on other official business, which we had had for some considerable period of time, we specifically asked the leadership to place this bill on the suspension calendar last Monday. It was No. 13, and when we reached it we were about ready to adjourn, and some other problem arose. So it was decided to consider the bill today under the rule which had been previously granted.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I simply want to concur in what the gentleman has said. I would like to compliment him on the fine way in which he has gone into the problem, and for having obtained information justifying this action. His understanding is the same as that which I had. I agreed to the amendment. I feel it does offer greater protection. I agreed also with the purposes and intent of the legislation and that the President should have that authority. This language strengthens it, and again I compliment the gentleman for his assistance to us in that regard.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman. I should like to make one more statement. Some of my friends have said that in view of the farm bill and the higher education bill, my amended language might be taken out in the Senate. I personally have no fear of that. I have not tried to clear that with the State Department or with the gentleman from Arkansas [Mr. HARRIS]. I think the State Department desires this bill, even with the amendment in it and I think the Senate will probably pass the House bill. I doubt very much that we will have any conference report coming back with this language deleted. If it does

happen, I will have to acknowledge simply that I was naive, and I will have to apologize.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I wish to compliment the gentleman on his statement. I think we are fortunate, indeed, to have a man of the caliber of the gentleman from California in the House; a man who has had vast experience in the intelligence field, and in his supervisory capacity as a special agent for the Federal Bureau of Investigation for quite a number of years.

I, too, share his concern, having been exposed to the same type of background and training.

I am a member of the Interstate and Foreign Commerce Committee and during the course of our hearings I attempted to question Mr. Ball of the State Department concerning the possibility that these messages could be intercepted or jammed in one way or another. The indication was that they could. We should point out, however, that we are not dealing with a broadcasting station; we are dealing with what they call a low-power point-to-point radio station. I asked Mr. Ball also, as did other members of the committee, whether or not this legislation had been—I will not use the word "cleared"—but discussed with the present intelligence agencies such as the Federal Bureau of Investigation and the CIA. The indication was that it had been discussed with them and that they approved this legislation, as set forth on page 2 of the report.

As I indicated, I do share the concern of the gentleman from California relative to the wisdom of legislation of this nature. It was pointed out by the representatives of the State Department that there is a great need as far as U.S. agencies overseas are concerned to have communication with Washington through this means. However, some of the foreign countries are reluctant to grant this privilege to us unless they have what they call reciprocity; that is, the same right to set up similar stations here in the District of Columbia.

I look upon this bill with a great deal of reluctance, having had experience, knowing of the case of a radio station on Long Island during the war which was used to have communication with the Nazis when they were our enemies. The gentleman in the well knows better than I the dangers involved.

Mr. SMITH of California. I thank the gentleman from Ohio. I know of his long experience in the Bureau and his wonderful service there. I do appreciate his comments.

Mr. Speaker, I know of no objection to the rule, and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the

State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11732, with Mr. BAILEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the distinguished gentleman from California [Mr. SMITH], a member of the Committee on Rules, has given to the House a very detailed report and explanation of the background of this legislation since it reached the Committee on Rules. At the time when I appeared seeking a rule—and the rule was granted—the questions which the gentleman from California [Mr. SMITH] asked helped to clear up some of the thinking on this important matter. I want to express my thanks again to the gentleman from California for his diligence and his efforts and wholehearted assistance with reference to this highly important and, I may say, somewhat sensitive problem.

I also want to comment on the fact that the gentlelady from Illinois [Mrs. CHURCH] expressed some interest in this proposal a few days ago. She is always diligent in matters before this Congress, and we appreciate the enlightenment she has given us from her discussions and consideration, having been such a valuable member of the Committee on Foreign Affairs over such a long period of time and having contributed so much.

The interest she has shown in this matter has, in my judgment, contributed a great deal.

Mr. Chairman, this is a highly important piece of legislation. Although it appears to be simple, being a very short bill, and has for its purpose a delegation of authority to the President of the United States, in this particular limited field regarding communications, it is, in my judgment, one of the most important pieces of legislation we have had in the field of our foreign relations and, particularly, the procedures we have with reference to communications and the carrying out of our foreign programs and our policies.

Mr. Chairman, our committee held hearings on this legislation which would amend section 305 of the Communications Act of 1934. It is recommended by the administration through the Department of State.

We have the usual reports which are included in the hearings that are available, reports from the Executive Office of the President, the General Counsel of the Department of Defense, a rather lengthy report from the Federal Communications Commission which is included in the report, another one from the Department of Justice and then, of course, the usual report from the Department of State. They are all included in the hearings.

In addition to that, the Under Secretary of State, the Honorable George W. Ball, appeared and testified before the committee on this matter and on its importance and why this legislation was needed. That, of course, is in the hearing transcript available as well.

Following public hearings, there were certain questions that members of the committee had. We then went into executive session at which, in an off-the-record session, Mr. Ball indicated to us certain other information that would give a better understanding about the reasons for this program and its purposes.

From these hearings and reports and from the consideration the committee gave to it, the committee was thoroughly convinced of the need for this legislation and, therefore, reported the bill. It was not unanimously reported at the time. There were one or two members of the committee who were not altogether satisfied because of the sensitiveness of it and because of some of the possibilities that probably could develop. They had in their minds some of the same questions which were in the mind of the gentleman from California [Mr. SMITH], of the Committee on Rules. It was because of these feelings that I, together with others, agreed with the gentleman from California [Mr. SMITH] on the amendment which he explained to you a moment ago, in an effort to be doubly sure that at least the Congress intends this to be used in the interest of the United States and for the security of the United States.

Mr. Chairman, the U.S. Government, and specifically the Department of State, has been harpered in the conduct of its foreign relations over the years by deficiencies in the available commercial telegraph channels between Washington and many areas of the world. In today's tempo of international developments, it is imperative that the President, through the Secretary of State, have available to him immediate on the spot reports from widely dispersed areas. Neither commercial enterprise nor diplomatic demands have stimulated many foreign communications administrations to equip themselves to provide the dependable around-the-clock telegraph service which the U.S. Government now requires.

From most European countries and certain other selected areas the commercial service is good and dependable. From a limited number of countries we have high quality, high volume, U.S. military operated services. In the remaining areas the Department of State has endeavored to install and operate its own radio communications channels. These efforts have been impeded primarily by the fact that existing U.S. law prohibits the operation of similar facilities by foreign nationals in the United States.

After weighing very carefully the considerations of national security, the impact on the American commercial carriers, and the possible problems of frequency assignment, international registration and so forth, the Department of State has concluded that it is imperative in the national interest that steps be

taken to facilitate the establishment of operating radio stations in many of our missions abroad and that the only reasonable avenue toward this end lies in the creation of means to grant foreign missions in Washington similar privilege. The proposed amendment to the Communications Act would give the President power to authorize negotiation of selected bilateral agreements under which such foreign missions could on a reciprocal basis operate radio transmitters from their Washington chanceries.

The committee is convinced that agreements will contain sufficient controls to preclude harmful interference with other U.S. radio operations and that the balance of advantage would be in favor of the U.S. Government. It therefore recommends passage of the proposed amendment.

In the course of examination of the proposed bill the committee satisfied itself that the Department of State has based its proposal to regularize and expand its radio-telegraph operations, not on conjectural future possibilities but on recorded instances of serious delays in the past. One such delay played a part in the loss of the life of a Foreign Service officer.

In the first delicate days of the crisis in the Congo, in a situation of civil strife in Algeria, in the chaotic period following the assassination of Trujillo and in many similar situations, our posts abroad have been denied access to international telegraph facilities and thus lost entirely their effectiveness in reporting to Washington. In every case it would have been practical to have had radio equipment at the post, regularly operated or held in reserve for such emergencies, to fill the gap.

The committee has further satisfied itself that the course of action proposed is in conformity with the normal diplomatic practice of most other nations. Many of our principal allies freely grant the right of diplomatic radio operation on a reciprocal basis. It is clearly apparent that the Department of State has investigated the reasonable alternative actions without uncovering any other satisfactory solution.

In summary the need for assured, rapid and secure communications between the Department and our posts abroad is patent. Existing commercial capabilities in many areas do not now and cannot be expected in the near future to satisfy this need. The U.S. Government cannot usurp the privilege of operating radio transmitters abroad without extending similar privilege to foreign diplomatic missions in Washington.

The Committee on Interstate and Foreign Commerce therefore recommends to the Congress passage of H.R. 11732.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman brought in the subject of the Congo. Are the United Nations mercenaries or any of the United Nations headquarters equipped with radio transmitting facilities in the Congo?

Mr. HARRIS. We have no information to that effect, and I do not know.

Mr. GROSS. This was not developed in your hearings?

Mr. HARRIS. No, it was not discussed because this is a bilateral thing we have here in which we are interested for our own purposes and our own security. This is not a matter about which the United Nations is concerned. We do this for our own protection.

Mr. GROSS. Let me ask the gentleman this question: There is nothing in the bill as to the limitation of wattage, is there?

Mr. HARRIS. Nothing specifically in the bill, but in the course of the hearings it was stated and it is stated in the report that these must be low-powered stations not to exceed 400 watts.

Mr. GROSS. What frequency or frequencies are suggested?

Mr. HARRIS. I do not believe we have set out any specific frequencies in the bill. That is a matter which the President would decide after consultation with the Federal Communications Commission.

Mr. GROSS. Was there a determination of the effective range of the transmitters, we will say those located in Washington?

Mr. HARRIS. Yes. That matter was discussed during the course of the hearings, and in the committee in executive session. It is very clear that in order to effectively utilize this procedure it would be necessary to have relay stations. We have such relay stations ourselves.

Mr. GROSS. The gentleman is speaking now, if the gentleman will permit an interruption, of the U.S. global communications system otherwise known as Globecom?

Mr. HARRIS. No. I am talking about relay stations we have in certain places, which could be used. Such low-power facilities together with relay stations would be effective. Other nations may not have such relay stations. For that reason, I am not so sure we are going to have too many requests for authority under this legislation at the present time. Maybe later on, but not now.

Mr. GROSS. What would be the effective range of one of these transmitters located in an embassy in Washington?

Mr. HARRIS. May I say this varies according to conditions. Under ordinary circumstances, I would say 400 miles but under ideal conditions it could be more.

Mr. GROSS. You say it would be impossible to reach the Middle East with a 400-watt transmitter in a foreign embassy in Washington.

Mr. HARRIS. Not directly, but with a relay station, yes.

Mr. GROSS. For this purpose. If there was one in the Russian Embassy, it would be possible to reach a submarine between Washington and the Middle East?

Mr. HARRIS. Yes, the gentleman is correct. That is true.

We have an amendment that we intend to offer here, and the intention of the committee is that this will be applicable, and the President will use it only

where we have an understanding with friendly countries and where our security is involved. It is not anticipated that such agreements will be reached as the gentleman might have indicated.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. BRAY. How prevalent is allowing another country to place a radio station in an embassy? For instance, we have in the United States today how many, or in England, where they have an agreement where other countries have radio transmission stations?

Mr. HARRIS. I may say to the gentleman, as I stated in my previous statement here, as far as England is concerned we have commercial facilities available and we do not need it.

The British Government, however, has always permitted foreign embassies to operate their own radio stations as an extension of the diplomatic pouch.

Mr. BRAY. How general is that? Let us take France. Is she one of the countries that has transmitting stations—or Russia? How general is what we are contemplating doing, how general has that been?

Mr. HARRIS. I may say in certain areas it has not been done as far as we are concerned at all because there is no authority in the law at the present time. In other countries, as in the case of Great Britain, this has been done.

Mr. BRAY. I mean with reference to other countries is this a general idea in which we are behind—I do not think we are behind—but different from other countries, or are we starting something new?

Mr. HARRIS. I do not know what the law is and do not know the procedure in other countries as to what arrangements they have with reference to communications with other countries.

Mr. BRAY. If the gentleman will yield further, the gentleman does not know whether any other country in the world has such an agreement as this legislation proposes?

Mr. HARRIS. I do not know which other countries have or not. I assume that they have tried to arrange their own programs as we do, programs which in our opinion would be in the best interest of our own country.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. WALTER. Mr. Chairman, there has been some suggestion that passage of H.R. 11732, which would make possible the authorization of diplomatic radio transmitting stations in foreign embassies in Washington, would be inimical to the internal security of the United States.

After careful consideration of all factors involved I have concluded that such stations, operated under the specified controls, would represent no threat to the national security.

There is a great need to have efficient and rapid communications with our posts abroad. The United States is one of the few remaining

ing to foreign diplomatic representatives the right of communication by diplomatic radio. However, we cannot avail ourselves of the opportunity to establish such communications because by existing law we cannot provide a reciprocal right in this country. H.R. 11732 will correct this situation. Accordingly, I support this measure and urge its adoption.

Mr. YOUNGER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNGER asked and was given permission to revise and extend his remarks.)

Mr. YOUNGER. Mr. Chairman, this measure comes from our committee without record opposition. In my opinion an adequate legislative history has been made so that there will be no question as to the intent of Congress in connection with this legislation and the use of these stations.

Mr. Chairman, I learned of a case the other day where even in one of the South American countries there was a situation on which our Embassy was trying to reach Washington, it took them 2 days in order to get a message back to our own country in connection with that affair down there. There certainly is a need for this. I think most of the concern can be obviated because, certainly, the power of any of these stations or any of the embassies could be cut off at any time. So I do not anticipate that there will be any use by unfriendly countries in connection with the stations.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes, I yield to the gentleman from Virginia.

Mr. POFF. The committee report differentiates between point-to-point radio stations, which are contemplated in this legislation, and so-called broadcasting stations. Does that language in the committee report intend to convey that the broadcasts made by these stations could be received only at a specific point, and with specialized receiving equipment?

Mr. YOUNGER. It is supposed to be used only between embassies.

Mr. POFF. If the gentleman will yield further, as a practical matter would it be possible for a receiving set near the location of the broadcasting station to receive the transmission from that station?

Mr. YOUNGER. I could not answer the gentleman on that question. That is a technical matter, and I have no information on that.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me at that point?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. As I understand it, this type station has a directional antenna, and that directional antenna points to only a certain point where reception can be obtained.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

opposed to the purpose nor the intent of this legislation. But I think we should explore some of the possibilities and probabilities that go hand in hand with a new program of this nature. One is the fact that the probability of the destruction of a U.S. transmitting station in a foreign Embassy in some areas the world is far more likely, of course, in time of bitter civil strife in those countries than it would be here in the United States. I would hope that there would be some means by which we could insist that the executive withdraw a reciprocal agreement at least where it appeared that the situation, conditions, or circumstances in a given country were such that we might risk the destruction of a facility where there is deep internal strife.

We know from the record that on occasion there have been instances of attack against American embassies abroad. Of course, this has never happened here in the United States. Since we cannot write this into the bill, I again say that I hope if such a situation does occur that the executive, using the powers granted to it in this bill, would be able to cancel any reciprocal agreement where it appeared in good judgment to be in the best interest and welfare of this country.

Mr. YOUNGER. Mr. Chairman, in answer to the gentleman's question I think it is covered in the bill. He has the right to revoke. I am glad the gentleman brought up the point, because it makes the legislative history indelibly clear on that point.

Mr. COLLIER. I understood that he had the right to revoke; although this is permissive, it is not something that is written into the bill in a manner that would make it incumbent on the executive to do that.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I notice on page 2 of the bill the conditions under which these permits are to be granted. The first is "where he determines that the authorization would be consistent with the national interest of the United States" and second, "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction."

Does that second clause eliminate or include Soviet Russia and Red China?

Mr. YOUNGER. In the first place we have no embassy in Red China. But it would include Russia.

Mr. CRAMER. In other words, Russia gives the United States reciprocal privileges and therefore they would have reciprocal privileges?

Mr. YOUNGER. If they gave us the right to establish a station in our Embassy in Moscow then we could give them the right to establish a station in their Embassy in Washington. But it is not mandatory that we negotiate such a deal.

Mr. CRAMER. And if such a station is established through reciprocity, in

Washington, that same shortwave radio could be used for transmitting messages to Havana, Cuba, could it not?

Mr. YOUNGER. Not necessarily, according to the bill. And if that were done we could revoke the license for that station.

Mr. CRAMER. How could it be prevented or avoided? If you gave them a license to establish a station or permitted them to have a low-power point-to-point radio station, how could you prevent the people in Cuba setting up a receiving station and getting direct information from the Russian Embassy in Washington?

Mr. HARRIS. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNGER. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, I think before we go too far with this kind of discussion it should be made abundantly clear that I cannot conceive of any agreement that would be reached that would be applicable to the Soviet Union or Red China. In the first place, there has got to be an agreement, a reciprocal arrangement between two countries. Let us not fool ourselves, we are not going to agree to it ourselves, and let us not think for one moment that Russia would ever agree to such an agreement. And we know certainly that Red China would not. Besides, we do not have diplomatic relations with Red China; therefore, there could not be an agreement.

In the second place, it would be unnecessary, because there are plenty of commercial facilities available in Russia which we use and which they use in this country. This bill is not for that kind of situation at all. We would not have that kind of problem and it is not anticipated that we would. I do not think we should give the impression that that is what might happen.

Mr. YOUNGER. I answered the question and said that it was possible under the bill, and I think it is possible under the bill; not that it is going to be done, but there is no prohibition here against granting such permission to Russia.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further to me?

Mr. YOUNGER. I yield.

Mr. HARRIS. The gentleman is correct; the President would have the authority.

Mr. YOUNGER. That is right.

Mr. HARRIS. But we have got to make the record clear that under the circumstances and conditions it would not be expected to happen and it is not so intended.

Mr. YOUNGER. That is correct.

Mr. HARRIS. And the amendment that is going to be offered by the gentleman from California [Mr. SMITH] makes it even more abundantly clear that it will not be.

Mr. YOUNGER. That is correct.

Mr. CRAMER. The point the gentleman has brought out is exactly the point I was trying to get at based on the language of the bill itself. There is no prohibition against the

giving such a right to the Soviet Union. The further question I asked was, Is there any prohibition against or any way we could control, if that permission were given, the setting up of a receiving station in Havana, Cuba, so that this radio station at the Embassy in Washington could be used to contact Havana, Cuba?

Mr. YOUNGER. May I answer that question by saying that there is communication between the United States and Havana, Cuba, now, and undoubtedly Russia is using that with their code messages. That cannot be stopped.

Mr. CRAMER. I understood the purpose of the legislation was to provide for the transmission of messages to points outside the United States, and that it is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in their countries. So I assume the objective is to give the United States, as the report indicates, communication media that will better serve their purposes than is presently available.

Mr. YOUNGER. That is correct.

Mr. CRAMER. Therefore, if the same permission were given to the Soviet Union by reciprocity, that better communications system, which I assume is more secret as well, could be made available between the Russian Embassy in the United States and Cuba. Is that right or wrong?

Mr. YOUNGER. I think it may be technically correct, but I do not believe that it would be used for that purpose. As the gentleman from Mississippi points out, with the directional antenna I doubt if they could use that and at the same time communicate with Cuba.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. According to what the gentleman from Florida has said, it is my understanding these agreements are based on point-to-point broadcasts. The point-to-point broadcasts are made by directional antennas. Unless we entered into some kind of an agreement with Cuba or with the Soviet Government to permit them to broadcast to Cuba, they would not be able to do so. That is my understanding of the legislation.

Mr. CRAMER. I understand that is the objective. The last thing I would suggest would be that the committee would knowingly, intentionally, or purposely bring to the floor of the House a bill that would permit such a thing to happen. But I say that in writing the language of the bill, I wonder if perhaps by oversight or otherwise such a thing is not actually being done. What would prevent the Soviet Embassy in Washington, D.C., if they get a broadcasting license, from turning that antenna at midnight to Cuba when it is a station-to-station setup? You might say that if we find that out we can revoke it, but that is not the point.

Mr. YOUNGER. I did not say that. I did not say anything about revoking it.

tions that I do not believe are going to exist. They would not need that. They have plenty of clandestine radio stations now. We are not naive enough to think that they do not have ample communication. This is supposed to be between our country and our representatives in other countries, and for our benefit. It is for those countries where we do not now have communication. We have plenty of communication systems between here and Moscow.

Mr. CRAMER. I agree wholeheartedly with the objective of the legislation, let me say, but I have considerable reservations about not writing into the legislation itself stronger language that would prevent the misuse of these channels and of these licenses which are being provided for specifically through this legislation that do not now exist.

Mr. YOUNGER. I think the gentleman from Florida is a very competent and able attorney. If he knows how to write into a law language to prevent people from breaking that law, he will have something that we need very badly here in Washington, especially with the Criminal Code.

Mr. CRAMER. I think it would be a very simple matter to provide specifically in this proviso, as an amendment to it, that they would not give permission to any country, and specifically the Soviet Union, to be used in any manner to set up communications with Havana, Cuba.

Mr. YOUNGER. Were you here, and did you hear the gentleman from California's amendment? I think it places the responsibility where it actually belongs. I doubt that there is going to be any violation of that.

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

(Mr. HEMPHILL asked and was given permission to revise and extend his remarks.)

Mr. HEMPHILL. Mr. Chairman, I want to face some facts here, and some of the things I am going to say are not going to be very nice. Before I do, let me thank the distinguished gentleman from California whose experience as an FBI agent and his character and integrity in the House reflect honor upon his country. He is interested in this legislation and I want to thank him for the assistance he gave to me and to the Congress and to the country in his efforts in connection with this legislation.

I am under no illusion about world conditions. I am one of those people who still recognizes the fact that this is a Christian nation and since the Communists seek to destroy it, they seek to destroy not only Christianity but our Nation and our way of life; I am under no illusion about it. When people talk to me about reciprocal agreements with Communist countries or neutral countries, I recognize in the history of the foreign affairs of this country in the last two decades a pattern in which no agreement that we have entered into, so far as I can determine, with any country of that character has been for our best interests primarily. The Communists do not enter into agreements, and the neutrals, unless they

can gain far more than we hope to gain, and they have taken advantage time after time of the largess and the generosity of our people and our taxpayers' dollars. So when this legislation came up, knowing a little bit about radio communication although not a whole lot, I saw the danger in this.

Now suppose we make an agreement with the Indian Embassy uptown to the effect that we will put a radio transmission station in New Delhi and that they will put one up in Washington. Then Lennon, the man who took our money to buy Russian planes, as I understand, will immediately effectuate some sort of an agreement under which there will be transmitted from Washington anything that the Communists wish, because India wishes to remain neutral and has its hand out to Russia as well as to the United States.

Now that may be a naive approach, but I would rather be naive because I have a feeling that world conditions are closing in on us, and I have a feeling that we are coming to a place in history where as a nation we must determine whether the future of this sphere we call the earth shall be Christian or slave. I do not want to further the effort of the Communists in any way. When I put in the additional views on the legislation I had ample reason. We had one day's hearings on this and at about 11:55 a.m. a Mr. Craven, of the Federal Communications Commission, came to the witness stand. He did not have time to finish. He put in a statement. I would like just to quote some of the things that are in that statement. He says:

At the outset I wish to make clear that the Commission is not in a position to evaluate the need of the Department of State for this legislation. Nor is the Commission in a position to assess the extent of the security problem—an area in which we have no experience or expertise.

So in effect what was happening was that the Federal Communications for some reason was passing the buck. He went on to say:

There are several problems which arise with respect to matters within the Commission's jurisdiction, and I would like to refer to briefly: First, the scarcity of frequencies in the 4 to 27.5 megacycles frequency range used for most long-distance communications and in which the proposed stations would be expected to operate.

Here is what has happened: We are becoming involved on a reciprocal basis in an area of the radio transmitting spectrum in which there is not a great deal of room. We are enabling some of these foreign countries to take places in the transmitting field which could well be reserved for the education of Americans or for other good purposes.

He goes on to say further:

Second, the potential interference to U.S. radio stations which could result.

If this Cuba thing erupts, you are not going to smile at the breakfast table and enjoy life as you have been. People are going to die and we people here in Washington, D.C., those presently enjoying diplomatic privileges, Members of Congress, and others are going to feel very

severe results. It could result in the jamming of civil defense channels in the spectrum from 4 to 27.5 megacycles.

Aviation experience in the war teaches us that a transmitter can be changed in 10 seconds and the direction of a directional antenna can be changed in 30 seconds.

Then, again, directional radio is not narrowly confined or nearly as directional as might be supposed. For instance, a directional radio beam from Richmond, Va., would be an estimated 45 miles wide right here in Washington, D.C. Not only is that true, but the territorial waters do not extend too far beyond Washington, D.C. There is a possibility of the potential setting up of a spy network. If I thought we were going to set up a good spy network, I would be for it, but experience dims my thinking in this regard.

Next, Mr. Craven said, is the problem of enforcement and surveillance. Here is what we are doing. We are giving these foreigners on a reciprocal basis certain things which we do not give our own people, the taxpaying people of the United States.

The fourth point Mr. Craven brings up is possible loss of revenue by U.S. communications common carriers as a result of traffic being diverted to the proposed embassy radio stations.

I asked who was going to make the decisions, and the Under Secretary of State said the State Department was. That concerned me considerably as I thought about the safety and security of the American people for the future.

One other thing. I asked why some country should take millions of dollars of our money and not give us a radio station, and they said they wanted to be dignified about it. Yes; they want to be dignified. They want one hand in your pocket and a transmitter at your ear, but they do not want to give us anything for it. They have no friendship for us, and they do not want to do it reciprocally. That is no basis for any kind of dealing at all.

I have every confidence in the President, no matter who is President, while in the State Department I do not have that confidence. They could make an agreement with a foreign country, and he could say: "You can transmit on such and such a frequency, and we will transmit on such and such a frequency in your country."

They will have a station set up in 10 days. We will find all sorts of trouble setting our stations up. We are so honest in this country, we would not jam these frequencies, but they would jam ours. That is the situation which could exist.

The gentleman from California said the thing would be tightly controlled. The legislation does not say that, the report does not say that, and the testimony does not say that. He was speaking his and my hope that it will be tightly controlled.

This is just a little thing. I do not think the passage or the lack of passage of this legislation is going to make or break the Nation. It is just a part of the

pattern—one of the dangers, one of the loopholes, one of the places where we are reciprocating, one of the places where we use the word "reciprocate" which we have been reciprocating a long time.

This is dangerous legislation.

The CHAIRMAN. If there are any further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section as follows:

"(d) The provisions of section 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

With the following committee amendments:

Page 1, line 4, strike out "section" and insert in lieu thereof "subsection".

Page 2, line 2, after "United States," insert "but only (1)".

Page 2, line 4, after "and", insert "(2)".

Page 2, line 5, strike out "substantial".

The committee amendments were agreed to.

Mr. SMITH of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California: On page 1, line 7, after the word "may" insert "provided he determines it to be consistent with and in the interest of national security".

Mr. SMITH of California. Mr. Chairman, I attempted to explain the purpose of this amendment in the presentation of the rule, and I do not believe it is necessary for me to repeat any of the information at this time. The basic purpose of it is this: It is my hope under this language that the President will use his best judgment and advice so that this legislation will not in any way jeopardize the national security of the United States of America.

I commend the gentleman from South Carolina [Mr. HEMPHILL] for the excellent statement he made. It was his statements in the minority views that brought this subject to my mind. I am concerned with the same worries which the gentleman has. However, I have

1962

CONGRESSIONAL RECORD — HOUSE

19121

proposed this language with the hope that it will satisfy what I have in mind and that it will not harm the national security. I cannot assure anyone what its ultimate result will be, and I may be all wrong. However, it is the best I can do, and I have agreed to support the bill with this language in it, which language has been accepted by the State Department and by the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS].

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from California.

Mr. LIPSCOMB. Could the gentleman say whether under this legislation as it is now written, giving the authority to the President to prescribe rules and regulations and other determinations, the President could delegate the authority which he has to any other persons such as the Secretary of State or the Secretary of Commerce, or to any other person in the executive branch of the Government?

Mr. SMITH of California. There would not be any question in my own mind but that the President could delegate the authority, if he so desired. However, we use such a phrase as this in other legislation where such authority is given to the President of the United States, or to other Departments. Some suggestion was made that in this matter the president personally be required to make the decision. That would be going a little bit too far, to ask the President of the United States to accept language such as that, regardless as to whether it was President Eisenhower or President Kennedy, or some future President of the United States. But to answer the gentleman's question, yes, I think he can delegate such authority, but I hope he will not. I hope through the information he has through the CIA, through the State Department and through all the other sources that he should have at his command, and the President is the only individual in the United States of America where all of these organizations can funnel information to him, I certainly hope he would use his every personal effort to make certain that all of these reciprocal agreements will not be detrimental in any way to our national security.

Mr. LIPSCOMB. If the gentleman will yield further, is there any way we can determine whether or not the President will know what is involved in these rules and regulations and the terms and conditions that are prescribed in this legislation? Is someone in the State Department going to make the decisions without the President really knowing what the reciprocal arrangement would be?

Mr. SMITH of California. I hope not, but I cannot answer that question, of course. I cannot answer the gentleman's question in that respect at this time.

Mrs. CHURCH. Mr. Chairman, I rise in support of the amendment.

(Mrs. CHURCH asked and was given permission to revise her remarks.)

Mrs. CHURCH. Mr. Chairman, the chairman of the full committee, the gentleman from Arkansas [Mr. HARRIS], has during the debate made very kind remarks about my efforts on Monday to halt action on this bill in order that the Members of the House might have additional information. I spent the major part of the next 2 days seeking that information. I would like to say that from every agency of the Government to which I made inquiry, I received full answer to every question asked.

Mr. Chairman, as a member of the House Committee on Foreign Affairs, I have access to material, which cannot be divulged here today, nor put later in the Record. I would say, Mr. Chairman, that I am thoroughly convinced of the sincerity of the request for this power to give and receive reciprocal transmitting privileges. I am thoroughly convinced, moreover, on the basis of what I have learned, that it would be to our advantage to be able to establish transmitting stations in certain portions of the world in which we do not now have them. The evidence placed in my hands give the names of those nations which have to date refused us the privilege of setting up such transmitting systems in our embassies in their countries. I would put all that information in the Record and I would tell it to the Committee if I were at liberty to do so. I repeat that the State Department and other agencies have supplied all the information requested, and I acknowledge their cooperation gratefully.

What bothers me, Mr. Chairman, is the "quid" that we may be forced to pay, in return for the "quo." I have sat on the floor today earnestly wishing that I could quiet my own concern—that I could answer the very sensible, practical questions that have been asked. Frankly, I have come to the conclusion that when so many questions arise, there may be a danger that this committee today may later find that it has taken very hasty action. It is a question to be considered most carefully; this question as to whether we are, in order to get something which we need, giving up protection which we now have and certainly also need. It is one of the most "iffy" questions that I have faced since becoming a Member of Congress. It is one that every Member of the House must answer for himself.

I am inclined to think, Mr. Chairman, that the practical commonsense which characterizes the House of Representatives will, if time is extended, enable it to cope with this problem. But I am not happy to rush into action on this proposal. I would support a motion to recommit which would permit us to have a little more time to consider the problem, in all its implications—implications that have been forcefully brought out in this debate.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mrs. CHURCH. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, I thank the gentleman for yielding.

I thank the gentleman very much for the gentleman because I have the

highest respect for her and I know of the devoted service she has performed in trying to get the right answer in connection with this legislation. The gentleman mentioned the quid pro quo. Is not the gentleman convinced that if the Russians—and our chairman said there is no use fooling anybody, the Russians are not going to grant us this reciprocal right; I am not too sure they will not, because if they feel it would be to their advantage to install these facilities in Washington perhaps they would grant us the so-called "reciprocal"—and I use the word in quotes—rights and then jam our frequency. But the specific question I would like to ask is this. Assuming the Smith amendment is adopted—and I intend to support it—does the gentleman feel secure that there is no longer any risk that these facilities might be misused by the "pro" of the quid pro quo?

Mrs. CHURCH. I thank the gentleman for reminding me that I rose specifically to support the amendment. The amendment eliminates some of the danger, and should be adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I yield to the gentleman from Illinois.

Mrs. CHURCH. Mr. Chairman, I thank the gentleman. The gentleman is right in being very cautious in this matter. No one can guarantee against possible misuse of the privilege sought to be granted. I hope the amendment will do what we seek to have it do. Without it the legislation should not be passed. But I could not guarantee that the inclusion of the amendment, although I urge the House to adopt it, would remove the reasons for the fear in the minds of the House as to what might happen.

Mr. BOW. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to address a question to the distinguished chairman of the committee. It is a question that disturbs me although I have not heard it discussed. I believe that a radio station can be used as a homing beacon for aircraft. That is the reason we have Conelrad, so that we take our broadcast stations off the air in order that we will not have a beacon by which enemy aircraft could find their way into an area.

My question is this: If we grant the reciprocal right to some 92 nations, or whatever it may be, is there not a danger that even though we take our radio stations off the air under the control, one of these radio stations in some embassy could be used as a homing beacon for attack aircraft coming in against us?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BOW. Will be delighted to yield to the gentleman.

Mr. HARRIS. I cannot conceive of approval being given under a reciprocal arrangement here for a channel that would be available for this particular gentleman very well knows, that when you have a facility

Approved For Release 2002/08/21 : CIA-RDP84-00499R000800130033-9

that uses a particular channel and that facility is geared to that channel, the gentleman knows the practical situation that certain other things can be used in that particular channel other than just sending mere words. From that standpoint, I would say that possibly it could be so used, but I do not think it is possible that it could be under the very strict monitoring provisions that we have and have constantly utilized in this country. There is a lot of concern about this, and I can very well understand it.

Mr. BOW. This is my only concern. I know there is some need for these facilities because I know the situation, having served on the Subcommittee on Appropriations for the State Department. But this does indicate concern that if these facilities could be used as a homing beacon in case of enemy attack they could find their way directly, set their instruments to get directly on target. This question is a very serious situation.

Mr. HARRIS. If that is the only thing that concerns the gentleman about this, I would suggest that he really, the way I see it, has no need for concern, because if that is going to happen they are going to set them up legally or illegally for that purpose, and they are going to have them in this country anyway. We know that is going to be a fact.

Mr. BOW. Do I understand the gentleman to say he feels there could be illegal stations set up that we would know about, and that we could get rid of them?

Mr. HARRIS. Yes.

Mr. BOW. I thank the gentleman.

Mr. HARRIS. I do not think I want to comment any further on that.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I should like to ask a question or two, for I have very serious doubts about this legislation. Like the gentleman from Ohio [Mr. Bow] I have no doubt that we need to improve our communications system throughout the world, but I question how far we should go, if I may put it this way, in legalizing the operation of any kind of foreign radio transmitters in Washington, D.C., or anywhere else in the country. The gentleman says that this permission will not be given to unfriendly countries, that it will go only to friendly countries. I believe that was the gentleman's statement earlier today in this debate. Is that correct?

Mr. HARRIS. That is not so stated in the language of the bill, but with the amendment the gentleman has here and with the language of the bill on page 2 about the national interest it could have no other interpretation.

Mr. GROSS. But we have unfriendly embassies in this country. They are still here despite the fact that we sometimes question whether or not it is in the national security and interest to have them here.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WILLIAMS. Of course, I would agree with the gentleman on that and I recognize that fact. But at the same time, we need a listening post in these other countries as much as we need one in ours, and this is the only way we are going to get it.

Mr. HARRIS. The important point I want to make is that this is on a reciprocal basis.

Mr. WILLIAMS. That is correct.

Mr. GROSS. We are told, using this designation of "friendly" and "unfriendly", and on a basis of reciprocity that, for example, the Soviets will not have a transmitter nor do I assume will any of the satellite countries have transmitters in this country. Neither will we have transmitters in those countries. Yet, it seems to me the place where we need transmitters most is in the unfriendly capitals where we maintain embassies. Now how are we curing our lack of communications in those countries where we need the communications the most, on the basis of this legislation?

Mr. WILLIAMS. This is predicated on the idea that if we are to get something, we have to yield something and we break even with them when we permit them to put their radio transmitter here in return for our radio being put up in their country.

Mr. GROSS. But you say they will not be permitted to have transmitters in their embassies here?

Mr. WILLIAMS. No; I did not say that.

Mr. HARRIS. No; we were talking about two countries here, and they were Red China and Russia, and I was explaining why I did not think it would be applicable insofar as those two countries are concerned.

Mr. GROSS. Where does this Government need them any worse than in the Soviet-dominated countries and their satellites?

Mr. HARRIS. I do not suppose I can say where we need them any worse, but there is some limit to what we can give up here in order to get that kind of reciprocity.

Mr. GROSS. As I say, you are not curing the communications problem that you say you have.

Mr. HARRIS. But we could get through to a good many places or a number of places at least that we are not getting through to today, which we could get to by this arrangement.

Mr. GROSS. We have not yet been given the price tag for this bill, but I suspect that if a transmitter is located in Ouagadougou, where they now have 8 people who seem to have little else to do but decode and encode two or three message a day, there will probably be 8 plus 8, or 16 or more employees. But that is somewhat beside the point. I am much more interested in the security of the United States. That is the important consideration.

Mr. HARRIS. There is a comment on page 2 of the report. The Department of State has developed a program contemplating the installation over a period of 10 years of facilities in as many as 92

countries at a cost of from \$5,000 to \$200,000 per station. The estimated total expenditure during this 10-year period for these facilities, including the first-year cost of operation, is estimated to be approximately \$23 million.

Mr. GROSS. In other words, the total bill is estimated to be \$23 million.

Mr. HARRIS. Yes.

Mr. GROSS. I wonder too, what we are doing here authorizing the spending of that kind of money when we are going to have communication satellites, and not just Telstar but other communication satellites, as I am sure the gentleman well knows.

Mr. HARRIS. It would be a private corporation if it is set up. And if they set up facilities where we have commercial facilities available, then this will not be required or needed.

Mr. GROSS. We are going to have military communications satellites, the gentleman knows that; does he not?

Mr. HARRIS. Yes.

Mr. GROSS. And we are going to have them in the not too distant future.

Mr. HARRIS. We will not need this kind of arrangement where military communications are available.

Mr. GROSS. Is there any reason why we cannot use the same military facilities for coded messages from the embassies?

Mr. HARRIS. That is being done in certain instances today.

Mr. HOEVEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it is quite evident to me from the many questions asked by Members that there is deep concern among the membership as to this legislation. It seems to me that in a sense we may be legalizing espionage. The gentleman from South Carolina [Mr. Hemphill], in his additional views as set out in the committee reports, says that a low frequency station in Washington, D.C., could well communicate with a spy ship just off the coast.

In spite of all the amendments and restrictions we may adopt, how in the world is our Government going to supervise or know what is going on between an Embassy in Washington and a spy ship in the Atlantic? We might find out to our regret what was going on after it was too late. I do not know how we can make this bill absolutely foolproof. It seems to me we are taking some risk here and that the bill deserves more careful consideration. Personally, I think the bill should be recommended.

(Mr. HOEVEN asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I merely want to say that the committee has done everything it could to bring this matter to the attention of the House and give the membership as full and complete information as we could.

The committee, with the exception of one or two members, is very convinced of the need for this legislation.

I support the amendment offered by the gentleman from California. I believe that the amendment itself together with the record make it very clear that the responsibility lies not only with the President himself, but that it is to be invoked only when it is in the best interest of our country. If we cannot depend upon the President to take action in the best interest of the country, I do not know how to suggest you go about it.

I believe there is ample protection of our own security, and even though it is a sensitive matter I think it behooves us to not try to read something into it that does not exist, but to recognize our responsibility to ourselves in an effort to do what is best for our country by approving the amendment and adopting the bill.

Mr. BRAY. Mr. Chairman, I move to strike out the last word.

(Mr. BRAY asked and was given permission to revise and extend his remarks.)

Mr. BRAY. Mr. Chairman, I think there is no question but what this legislation could work to the benefit of our country if you could rely on the honor and word of the Communist nations, but you cannot do that. But, Mr. Chairman, the fact is that not one single agreement we have ever made with Russia or the Communists has ever worked in our favor. The reason for this is that we Americans play the game by one set of rules, honesty, and straightforwardness; the Communists play it by another set of rules entirely. To the Communist lies and chicanery are ways of life. The result is that no matter how hard we stick by our accepted principles the Russians will not. That has been proven over the many years ever since the first time we recognized Communist Russia in 1933. Will we ever learn?

I will remember in Korea at the end of the war when we were directed by the State Department to turn the Chikisua building over to the Communists as a political headquarters. That building had one of the finest printing presses in all Korea. Immediately they started making counterfeit money and did a great deal toward destroying the value of the currency of that country. Such actions have gone on over the years. This legislation if it becomes law could play into the hands of the Communists. I realize that this legislation is intended to be reciprocal but there can be no fair outcome for us when you play the game by one set of rules and the Communists play the game by an entirely different set of rules. Apparently our State Department continues to trust the Russians. I do not. I do not want Moscow or other such countries to be able to set up a radio station in Washington, even when our State Department believes that they can properly protect our interests in such a station and that we can benefit by having a station in Moscow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SMITH].

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: Page 2, line 16, after the word "Act", strike out the period and quotation marks and insert "Provided, however, That when such authority involves a Communist nation or a nation under Communist domination, such authorization shall be subject to the specific approval of the Foreign Affairs and Foreign Relations Committees and the Interstate and Foreign Commerce Committees of the House and Senate, respectively."

Mr. CRAMER. Mr. Chairman, I think the same problem is of concern to all of us that has been expressed by those who have some reservations as to this legislation.

I was very much impressed with the remarks made by someone in whom I have a great deal of confidence, who has considerable knowledge of our foreign affairs that is not available to each Member of the House. I refer to the distinguished gentlewoman from Illinois, [Mrs. CHURCH], when she observed that the problem involved is what is quid and what is quo. That is what I have attempted to express in regard to this legislation. It is the duty and the responsibility of the Congress to retain a review over the authorization and the licenses issued to these foreign governments that have embassies in this country. They involve Communist-dominated nations, including the Soviet Union, that have embassies in this country, and if they ask for transmitters, the Congress of the United States should reserve the right to review what is quid and what is quo, and what the Soviet-dominated nations and the Soviet itself has agreed to do in exchange, and what assurances we will have that they are going to reciprocate.

I think the issue that has concerned all of us involves the unfriendly nations, Communist nations, Communist-dominated nations. Can these transmitters be used for the purpose of espionage? We are concerned about making certain no Communist message could be communicated between Washington, D.C., and Castro's government in Havana, Cuba.

I have listened to the answers to these questions, but I personally am not satisfied it could be used by a government that has shown it does not intend to live up to its agreements, meaning Soviet Russia. It has not lived up to its agreements in the past. Berlin is a perfect example of this. I think it is essential in connection with any arrangement between Soviet-dominated countries and the Soviet Union in this country, giving their embassies in Washington the right to transmit on a license given by this Government, the Congress should retain the power and right to review what agreements have been entered into and what assurance we have that our best interests are going to be served.

I am concerned about this bill. I have given some thought as to how the Con-

gress can be sure that in administratively carrying this out, it is and will be in the best interests of the United States. I am not convinced if the administration of it lies exclusively in the State Department, knowing its record of failures and inadequacies in Cuba, that their decisions will be in the best interests of the United States or, for that matter, for the best interest of the free world.

In my opinion, this amendment would do much to remove some of the questions raised with regard to this by satisfying and assuring us that in connection with any such agreements entered into those agreements will be in the best interests of the free world.

I hope a quo will result from our permitting a quid in the first place.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

[Mr. HARRIS addressed the Committee. His remarks will appear hereafter in the Appendix.]

[Mr. YOUNGER addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take just a moment to say that I think perhaps we may, in the emotional feeling of our discussion here, be losing sight of the fact that this legislation is in fact an amendment to the Federal Communications Act.

In reality it is necessary only because we have an established act to cover licensing communications and because it is a wholly new concept. What is further involved is nothing more than an authority within the realm of this new concept to enter into international negotiations. What would undoubtedly happen in the performance, if this legislation is passed, is the same thing that takes place in other types of international negotiations wherein we negotiate country by country to establish these communications facilities. If it were not necessary for us to do this within the concepts of the existing Federal Communications Commission laws we would not even be dealing with this legislation today. The authority and the power to engage in international negotiations is already vested in the Executive subject to ratification by the Senate.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. With respect to the amendment that is before the House, I would call the attention of the membership to page 17 of the hearings in which the gentleman from California [Mr. YOUNGER] asked Mr. Ball, the Under Secretary of State, the following question:

Mr. YOUNGER. Are you willing to limit this to friendly nations?

Mr. BALL. I would say we are willing to limit this to the situation where our own need for facilities is the overriding consider-

...and where there would be a judgment by the President that it was in the national interest for us to have these facilities in spite of any disadvantages there might be for that country to have facilities there. Those disadvantages, as appears from the examination of the problem—a very careful one—are very slight indeed.

I think that in our discussion we are possibly losing sight of the purpose of the legislation. The problem is outlined on page 2 of the committee report, as the gentleman from Arkansas [Mr. HARRIS] mentioned a moment ago, where it says:

The problem of establishing such communications exists primarily in some of the countries in Africa, Asia, and Latin America. It does not exist in Western Europe or other areas where up-to-date commercial communication systems are available.

It further points out:

This legislation will not create any security problems, since the use of these facilities by foreign governments will not materially enhance their opportunity for transmitting secret information as compared to currently available commercial facilities and pouch services.

In other words, for instance Russia already has ample means of transmitting information outside of the United States. Certainly the setting up of a low power radio station under this program under a reciprocal agreement would not enhance their opportunity for transmitting any secret information.

Permit me to say as should be evident from my votes in this body, that I take a back seat to no one in my lack of confidence in the State Department, and I certainly have never been a rubber stamp for the New Frontier. But here they are asking for something, as I am sure the gentleman will agree, that is definitely in the interest of the United States of America. For that reason I support it, notwithstanding the fact that it may be advocated by the State Department.

Mr. COLLIER. I thank the gentleman for his contribution.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to the amendment and support the bill, but I take this time to establish two factors of legislative history here. In view of the statement of the gentleman from Mississippi, are we then to understand that it is the intent of this legislation that the Government of the United States will not permit or authorize the installation of any such radio facility in a foreign embassy unless and until a reciprocal agreement has been reached and we are permitted to install similar American facilities in our own Embassy located in the country receiving this privilege from the United States? I want to find out if this legislation means that no such authority shall be given to a foreign country until that country has unequivocally given us similar authority?

Mr. WILLIAMS. That is absolutely correct; as is provided by the condition No. 2 which is imposed on the setting up of these stations or these agreements shown on page 2, line 5.

Mr. PUCINSKI. Therefore, it is not the intention of this legislation, for

instance, to permit the Soviet Union to establish a station here in their embassy and then dangle us like a yo-yo for 3 or 4 years while they are debating and studying whether or not they should give us the same opportunity in Moscow? In other words, I understand this legislation to mean that nothing gets moving in this country in a foreign embassy until the agreement has been nailed down with the foreign country to permit us to do the same thing in that foreign country. Do I understand the situation correctly?

Mr. WILLIAMS. I think you do. The language of the bill says, and one of the conditions is, "where such foreign government has provided reciprocal privileges"—it does not say "agrees to provide"—it says "has provided reciprocal privileges to the United States to construct and operate radio stations," and so forth.

Mr. PUCINSKI. On that point also, with reference to that very language "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction." Do I understand the language "within territories subject to its jurisdiction" to mean territories subject to the jurisdiction of the host country and not to refer to the immediate area of our own American embassy in a foreign country?

Mr. WILLIAMS. I would think that would be subject to the terms of the agreement.

Mr. PUCINSKI. Do we understand then that in the language "within territories subject to the its" that the word "its" here refers back to the host country's jurisdiction and not our own U.S. jurisdiction in a foreign country? Do we understand that correctly?

Mr. WILLIAMS. Yes, that is correct as to the use of the word "its" on page 2, line 8.

Mr. PUCINSKI. I thank the gentleman for his explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was rejected.

Mr. SCHADEBERG. Mr. Chairman, I have profound respect for the judgment of my colleague, Mrs. Church from Illinois. She has with complete frankness suggested that we might well delay a decision.

I have faith in my colleagues on the Committee on Interstate and Foreign Commerce. I have no doubt that we all have an interest in our security and the preservation of our great Nation. In the motion to recommit which I shall offer, I certainly do not question the loyalty or integrity of any one: Members of this House; the administration; or the State Department. Loyalty or integrity is not the question.

We are dealing here with a very, very serious matter. We are not dealing with a mere toy. It is the future of people I desire to protect and this desire demands more than a mere hope that this legislation is not damaging to our defense or security.

Unless we here can be given complete assurance that immediate action on this matter is absolutely essential to our national security and delay would present unreasonable risks to our security it is our responsibility as representatives of our people to delay action until the convening of the 88th Congress.

Mr. HARRIS. Mr. Chairman, I move that the Committee now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BAILEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended, pursuant to House Resolution 779, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHADEBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHADEBERG. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. SCHADEBERG moves to recommit the bill H.R. 11732 to the House Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Chair announced that the yeas appeared to have it.

Mr. SCHADEBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. Is this a vote on the motion to recommit or on passage?

The SPEAKER. This is a vote on the motion to recommit.

Mr. HARRIS. I did not so understand it. I understood the Chair to say the motion had been rejected.

CONGRESSIONAL RECORD — HOUSE

19125

The vote is on the
The doors will close the doors,
The Clerk will notify absent
Members, and the Clerk will call the roll.
The question was taken and there
were 208 yeas, 208, not voting 132,
and 132 nays.

[Roll No. 244]

YEAS—95

Adair
Alexander
Alford
Anderson, Ill.
Anderson, Mich.
Aronson
Baker
Baldwin
Barnes
Belt
Bennett, Fla.
Berry
Bettis
Bolton
Bow
Bray
Brown
Bruce
Byrnes, Wis.
Cederberg
Chapfield
Church
Cline
Corbett
Cramer
Cunningham
Curtis, Mo.
Dague
Derine
Dole
Durno
Ellsworth

NAYS—208

Abbitt
Abernathy
Addabbo
Aldford
Andrews
Aspley
Aspinall
Avery
Bailey
Barr
Bates
Beckworth
Belcher
Borjas
Boland
Bonner
Boykin
Brademas
Brewster
Brooks, Tex.
Brookfield
Broyles
Burke, Mass.
Burleson
Byrne, Pa.
Cahill
Cannon
Cascy
Chamberlain
Chelf
Chenoweth
Clark
Coad
Collier
Cramer
Coate
Corman
Curtin
Daddario
Daniels
Davis, John W.
Davis, Tenn.
Deaney
Dent
Dingell
Donohue
Downing
Doyle
Dulski
Dwyer
Elliott
Elliott
Fallon
Farrell
Fisher
Flood

Scott
Feldman
Sheppard
Shirley
Sisk
Slack
Smith, Calif.
Smith, Iowa
Stafford
Staggers
Stephens
Sullivan

Taylor
Teague, Tex.
Thompson, Tex.
Toll
Tollefson
Trimble
Tupper
Udall, Morris K.
Ullman
Vanik
Van Zandt
Vinson

Wallhauser
Walter
Weaver
Whitten
Wienall
Williams
Willis
Winstead
Young
Younger
Zablocki

Mr. Kluczynski with Mr. Battin.
Mr. Breeding with Mr. McIntire.
Mr. Loser with Mr. Wilson of Indiana.
Mr. Burke of Kentucky with Mr. McDonough.
Mr. Cochran with Mr. Lindsay.
Mr. Montoya with Mr. Meader.
Mr. Morris with Mr. Scranton.
Mr. Dorn with Mr. Norblad.
Mr. Pilcher with Mr. Minshall.
Mr. Fogarty with Mr. Sibal.
Mr. Ryan of Michigan with Mr. Derwinski.
Mr. Green of Pennsylvania with Mr. Moore.
Mr. Barrett with Mr. Kearns.
Mr. Henderson with Mr. Bass of New Hampshire.
Mr. Shelley with Mr. Fenton.
Mr. Santangelo with Mr. Dooley.
Mr. Thompson of New Jersey with Mr. Seely-Brown.
Mr. Hull with Mr. McVey.

NOT VOTING—132

Adair
Albert
Alexander
Anfuso
Arend
Ashmore
Auchincloss
Barrett
Bass, N.H.
Bass, Tenn.
Battin
Becker
Beermann
Bennett, Mich.
Blatnik
Blithe
Bolling
Breeding
Bromwell
Buckley
Burke, Ky.
Carcy
Celler
Cochran
Cook
Cooley
Curtis, Mass.
Davis
James C.
Dawson
Deaton
Derounian
Derwinski
Diggs
Dominick
Dooley
Dorn
Edmondson
Farbstein
Featon
Finnegan
Fino
Fogarty
Frelinghuysen
Garmatz
Gilbert
Green, Pa.
Hagan, Ga.
Halleck
Hansen
Harrison, Va.
Harvey, Ind.
Hays
Hobert
Henderson
Hoffman, Mich.
Hull
Jarman
Johnson, Wis.
Judd
Kearns
Kee
Kelly
Keogh
Kluczynski
Kowalski
Landrum
Latta
Lindsay
Loser
McDonough
McIntire
McSweeney
McVey
MacGregor
Magnuson
Martin, Mass.
Martin, Nebr.
Mason
Meader
Miller, Clem
Minshall
Montoya
Moore
Moorhead, Ohio
Morris
Morse
Moulder
Multer

Mr. FASCELL changed his vote from "yea" to "nay."
Mr. POWELL changed his vote from "yea" to "nay."
Mr. HARDY changed his vote from "yea" to "nay."
Mr. GLENN changed his vote from "yea" to "nay."
The result of the vote was announced as above recorded.

The doors were opened.
The SPEAKER. The question is on the passage of the bill.
The bill was passed.
A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow to file a report on H.R. 11251.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) entitled "An act to authorize the sale of the mineral estate in certain lands."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) entitled "An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz."

The message also announced that the Senate agrees to the amendment of the House to the texts of the bill (S. 507) entitled "An act to set aside certain lands in Washington for Indians of the Quinalt Tribe," with an amendment as follows: In the House engrossed amendment, strike out section 2 and insert in lieu thereof the following:

the statement of section 2 of the Act of August 3, 1956 (60 Stat. 1050), the extent to which the value of the title conveyed by the Act should or should not be set off against any claim against the United States determined by the Commission.

CORRECTION OF ROLL CALL

Mr. WESTLAND. Mr. Speaker, on rollcall No. 236 I am recorded as absent. I was present and answered to my name and ask unanimous consent that the Record and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have permission during the remaining days of the session to include the customary tabulations showing the up-to-date status of the appropriation bills as they are processed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 24

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority whip if he can announce the program for next week.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOGGS. Mr. Speaker, Monday the first order of business will be House Joint Resolution 224, active duty for certain Armed Forces Reserves, with 2 hours of debate.

That will be followed by District Day, and there are 15 bills on the District Calendar, as follows:

S. 2795: Insignia of detective and collection agencies.

S. 1651: Contracts approval.

S. 2977: Policies of group life insurance, credit unions.

H.R. 12417: Small claims court.

H.R. 12690: Insurance companies, investments of funds.

H. Res. 799: Provide for a statue, "the Maine Lobsterman."

H.R. 12964: Registered nurse, minimum-age limitation.

S. 2793: Restoration operators' permits, assess reasonable fees.

H.R. 10319: Compensation adjustments, certain police and firemen.

S. 914: Public Assistance Act of 1961.

H.J. Res. 854: Restoration of Belasco Theater as a Municipal Theater.

H.J. Res. 865: Theaters, antidemolition bill.

H.R. 13163: Redevelopment Act amendments of 1962.

S. 1231: Increase the fees of learners' permits.

H.R. 8738: Amend Life Insurance Act. Concur in Senate amendments.

For Tuesday and the balance of the

week, the conference report on the bill H.R. 10, Self-Employed Individuals Tax Retirement Act of 1961.

S. 320: Conference report—Registration of State certificates, Interstate Commerce Act.

House Resolution 801: To take H.R. 7283, War Claims Act of 1948, as amended, from the Speaker's table and send to conference.

House Joint Resolution 886: Expressing the concern of the United States relative to Cuba. Three hours of debate.

S. 1123: Child labor provisions, Fair Labor Standards Act. One hour of debate.

Conference reports, of course, may be brought up at any time and any further program will be announced later.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. AVERY. I wondered if the distinguished majority whip could make any announcement as to the expectation of the leadership as to our being able to finish congressional business next week.

Mr. BOGGS. I presume I can speak only for myself, but I would be surprised if we finished next week. We will try to do so.

Mr. AVERY. If the gentleman will yield further, I do not want to place words in his mouth, but is he saying that it appears we are not going to finish next week?

Mr. BOGGS. Let us put it that way.

Mr. AVERY. I appreciate the gentleman's expression.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. GAVIN. What time are we expected to come in on Monday?

Mr. BOGGS. At 12 o'clock.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday next week.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. WILLIAMS. As the gentleman knows, the Committee on Interstate and Foreign Commerce is favorably considering a rather complicated drug bill which is in line, I believe, with the President's program. In all probability the committee will report that bill within the next 3 or 4 days. Can the gentleman give us some indication of when that bill might be scheduled for consideration in the House? I realize the gentleman cannot be specific, but can he give me an edu-

Mr. BOGGS. I would think that it would depend on when the distinguished gentleman's committee reports the bill. If it is reported in time and the committee gets a rule in time we may be able to consider it next week.

Mr. WILLIAMS. I thank the gentleman.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next. Is there objection?

There was no objection.

CORRECTION OF ROLL CALL

Mr. NYGAARD. Mr. Speaker, on rollcall No. 236, I am recorded as not being present. I was here and answered to my name, and I ask unanimous consent that the Record be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

CORRECTION OF RECORD

Mr. KUNKEL. Mr. Speaker, on page 19019 of the Record, it is recorded that I stated the Western Union Co. said \$18,000. That is an error. It should be "about \$13,000."

I ask unanimous consent, Mr. Speaker, that the Record be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RELIEF FOR RESIDENTIAL OCCUPANTS OF UNPATENTED MINING CLAIMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Michigan [Mr. DINGELL] has removed his objection to this bill.

Mr. ASPINALL. The gentleman from Colorado now states that after consultation with the gentleman from Michigan [Mr. DINGELL], within 30 minutes, at which time I asked the gentleman from Michigan [Mr. DINGELL] to be on the floor. The gentleman from Michigan [Mr. DINGELL] said he had no further opposition to the appointment of conferees.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Mrs. Frost and Messrs. EARING, JOHNSON of California, SAYLOR and GUNNINGHAM.